

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

IN RE

Phillip A. Dye and Rebecca J. Dye  
Debtors

Bankruptcy No. 05-11619-JKF  
Chapter 13

**Related to Dkt. No. 8 and 15, Rule and  
Amended Rule to Show Cause Why This  
Bankruptcy Petition Should Not be  
Dismissed With Prejudice**

**ORDER DISMISSING CASE WITH PREJUDICE**

**AND NOW**, this 2<sup>nd</sup> day of September, 2005,

**WHEREAS** this is Debtor Phillip Dye's third bankruptcy filing;

**WHEREAS** case number 03-12394-JKF, filed August 1, 2003, by Phillip and Rebecca Dye was dismissed October 27, 2003, on Debtors' motion to dismiss

**WHEREAS** case number 03-13727, filed December 8, 2003, by Phillip Dye was dismissed May 21, 2004, for failure to propose a confirmable plan;

**WHEREAS** Phillip Dye's appeal from that order was denied by the District Court for the District of Delaware, Civ. No. 04-386-SLR, by order dated October 6, 2004;

**WHEREAS** Phillip Dye's appeal to the Court of Appeals for the Third Circuit was dismissed by order dated June 1, 2005;

**WHEREAS** case number 05-11619 was filed June 10, 2005, and a plan proposed which provided for no payments to any creditors;

**WHEREAS** at the hearing on the rule to show cause held August 30, 2005, Debtor raised the same issues and asserted the same positions that were raised in the prior cases and were the subject of an appeal which was dismissed;

**WHEREAS** Debtors refuse to file tax returns or to pay taxes owed;

It is **ORDERED** that case number 05-11619 is **DISMISSED with prejudice**.

It is **FURTHER ORDERED** that Debtors are barred from filing for two (2) years.

It is **FURTHER ORDERED** that the Clerk shall immediately serve a copy of this Order on Debtors at both addresses listed in their pleadings and all creditors and parties in interest and the U.S. Trustee.

  
rmb

Judge Judith K. Fitzgerald  
United States Bankruptcy Court